

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**SENSORY PATH INC.**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO.: 3:19CV219-GHD-RP  
LEAD CASE**

**FIT AND FUN PLAYSCAPES LLC, et al.**

**DEFENDANTS**

CONSOLIDATED WITH

**FIT AND FUN PLAYSCAPES LLC, et al.**

**PLAINTIFFS**

**VS.**

**CIVIL ACTION NO.: 3:22CV32-MPM-RP**

**SENSORY PATH INC., et al.**

**DEFENDANTS**

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**PLAINTIFF’S MOTION TO SEAL CERTAIN DOCUMENTS**

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COMES NOW, Plaintiff Sensory Path, Inc. (hereinafter “Sensory Path”), by and through the undersigned counsel, in the above styled cause and files this its Motion to Seal Certain Documents entered in connection with James T. Berger. In support thereto, Plaintiff would show as follows:

1. Sensory Path’s prior expert witness, James T. Berger, has been the subject of several recent filings and an order of the Court in this matter, including Documents 146, 159, 161, and 163 and their accompanying exhibits (collective the “Berger Filings”). The Berger Filings address Mr. Berger’s apparent medical issues in detail.
2. As articulated in Sensory Path’s Memorandum in Support, filed contemporaneously herewith, per the request of Mr. Berger, Sensory Path moves the Court to seal the Berger Filings to protect against the public disclosure of Mr. Berger’s sensitive personal and

medical information. As the Berger Filings do not involve a dispositive issue in this matter and as Mr. Berger is not a party hereto, information contained in the Berger Filings clearly meets the standard for good cause and should be protected from public scrutiny.

WHEREFORE, Plaintiff files this motion and memorandum in support and respectfully requests that the Court enter an order placing Documents 146, 159, 161, and 163 and their accompanying exhibits under seal from public view, inspection, and disclosure, and that the contents of these filings only be made available to the Court, the Clerk of the Court, Counsel of Record, and the parties hereto.

**RESPECTFULLY SUBMITTED**, this the 26th day of April, 2022.

s/ Stephan L. McDavid  
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*Attorney for Plaintiffs/Counter-Defendants*

**CERTIFICATE OF SERVICE**

I, Stephan L. McDavid, hereby certify that on this day I caused the foregoing to be electronically filed with the Clerk of the Court using the ECF system which sent notification of such filing to all registered attorneys.

SO CERTIFIED this, the 26th day of April, 2022.

/s/ Stephan L. McDavid  
Stephan L. McDavid

